

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

REGINALD YEARBY

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Petitioner,

*

v.

* CIVIL ACTION NO.2:05-CV-490-T
WO

SCOTT MIDDLEBROOKS, WARDEN

*

Respondent.

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ORDER

Petitioner filed the instant application for habeas corpus relief on May 24, 2005. The undersigned finds from a review of the petition that it cannot be properly and effectively processed by the court without a response from Respondent. Accordingly, the Clerk of Court is DIRECTED to mail a copy of the petition and this order to Warden Scott Middlebrooks and the United States Attorney for the Middle District of Alabama.

An answer shall be filed with the court and served upon Petitioner within 20 days of service on the United States Attorney for the Middle District of Alabama. Respondent is directed to file his answer in accordance with the provisions of 28 U.S.C. § 2243. Specifically, Respondent must show cause why the writ should not be granted and, when applicable, shall certify the true cause of Petitioner's detention. Additionally, the answer shall contain the sworn statements of all persons having knowledge of the subject matter of the petition. Authorization is hereby granted to interview all witnesses, including

Petitioner. Whenever relevant, copies of medical and/or psychiatric records shall be attached to the answer. Where Petitioner's claims or Respondent's defenses relate to or involve the application of administrative rules, regulations or guidelines, copies of all such applicable administrative rules, regulations or guidelines shall be filed as exhibits in support of the answer.

The parties are advised that no motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the petition may be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court. **Petitioner is cautioned that all amendments to the petition should be accompanied by a motion to amend and must be filed within ninety (90) days from the date of this order.**

The Federal Rules of Civil Procedure require that Petitioner mail to the lawyer for Respondent a true copy of anything which is sent to the court. Consequently, Petitioner is advised that he should mail to the United States Attorney for the Middle District of Alabama a true copy of anything which he sends to the court. Failure to do so may result in delaying resolution of this case. Anything sent to the court should specifically state that it has been sent to the United States Attorney for the Middle District of Alabama.

Petitioner is specifically **CAUTIONED** that his failure to file pleadings in conformity with the Federal Rules of Civil Procedure and/or the directives contained in

this order will result in such pleadings not being accepted for filing. The Clerk of Court is hereby DIRECTED to not accept for filing any pleadings submitted by Petitioner which are not in compliance with either the Federal Rules of Civil Procedure or the directives contained in this order.

Done, this 1st day of July, 2005.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE